

## **TR010059- A1 Morpeth- Ellingham upgrading.**

Natural England response to examiner's questions.

### **BIO.1.47**

**Paragraph 9.4.10 of the ES [APP-048] indicates that during consultation, Natural England (NE) confirmed that the location and size of the proposed woodland planting area to address the loss of ancient woodland was acceptable. NE is asked to confirm its position and to explain how it came to its view**

Natural England can confirm that the location and size of the woodland planting to address the loss of ancient semi-natural woodland is acceptable. The size and location of the compensatory woodland was agreed in 2018, and is based on specialist advice, given there is no set ratio for compensating for an irreplaceable habitat. The negotiation for this is carried out on a site by site basis. The location is considered acceptable as it is adjacent to the existing woodland, and as it is west of the road prevailing winds mean the site is not susceptible to increased deposition levels from increased road traffic.

**PLEASE NOTE** – this view is based on the information submitted in August 2020 and accepted for Examination. Natural England reserves the right to amend this view should the amendments to the scheme design submitted in December 2020 be accepted.

### **BIO.1.10**

**Table 9.10 of the ES [APP-048] indicates that breeding bird surveys were undertaken in 2016 while paragraph 9.7.63 states that wintering bird surveys were recorded during 2016/17. Paragraph 9.4.9 indicates that NE confirmed that the surveys for breeding birds were sufficient to inform the impact assessment. Were the surveys repeated? If not, why not? Can NE confirm its position with regard to the breeding bird surveys which are now 4 years old? Can the Applicant provide evidence of agreement with NE regarding the date of all ecological surveys carried out for Part A and Part B of the Proposed Development?**

Natural England consider the submitted breeding birds surveys sufficient in informing the impact assessment. A verification survey was carried out in 2019 which demonstrated that the original surveys are valid as there had been no significant changes to the landscape or land use along the route of the project. We also note the provisions of Para 7 (1) of Schedule 2 Of Part 1 (Requirements) of the draft Development Consent Order, which provides further reassurance that any changes will be identified prior to works started and appropriate actions taken to ensure impacts do not materialise.

### **BIO.1.21**

**Paragraphs 9.11.7 and 9.11.8 of the ES [APP-048] state that no post-completion monitoring requirements have been identified, subject to agreement with NE as part of the European Protected Species Licences. Additionally, Appendix A of the Consents and Agreements Position Statement [APP-016] describes the status of negotiations with NE with regard to the European Protected Species Licences which are required. The Applicant and NE are asked to provide an update on the progress made towards obtaining Letters of No Impediment since the application was submitted**

Natural England has produced Letters of No Impediment for all species where we have been asked to prepare one. We are aware that there are some changes required as a result of the scheme name changing, and a specific amendment relating to a bat box at NGR NZ1746499690 We await a specific request from the applicant detailing the required changes to enable updated letters to be issued as appropriate.

#### **BIO.1.25**

**Paragraph 2.4 of Appendix 9.10 of the ES (Badger Survey Report) [APP-236] states that surveys were carried out in November and December 2016. It goes on to state that the report reflects the site conditions up to April 2017 and notes that it is considered good practice for wildlife surveys to be repeated should development be deferred for over 12 months from the date of the initial survey. Similarly, paragraph 2.2.7 of the Badger Bait Marking Survey Report [APP-237] records that the survey reflects site conditions up to April 2017 noting that it is considered good practice for wildlife surveys to be repeated should development be deferred for over 12 months from the date of the initial survey. On this basis, should the surveys be considered reliable? Should further surveys be carried out?**

Natural England consider the submitted badger surveys sufficient in informing the impact assessment. A updated walk over survey was carried out which demonstrated that the original surveys are valid as there had been no significant change to the landscape or land use along the route of the scheme. We also note the provisions of Para 7 (1) of Schedule 2 Of Part 1 (Requirements) of the draft Development Consent Order , which provides further reassurance that any changes will be identified prior to works started and appropriate actions taken to ensure impacts do not materialise .

#### **BIO.1.26**

**Appendix 9.18 of the ES [APP-244] – Otter Monitoring Survey Report was based on surveys undertaken in August / September 2018 but was not published until October 2019. Appendix 9.17 recommends that surveys should be repeated if development is deferred for over 12 months from the initial survey. Similarly, Appendix 9.19 – Terrestrial Invertebrate Survey Report indicates that good practice is to repeat surveys after 12 months. Is there a need for further survey work? If not, why not?**

Natural England consider the submitted otter and Terrestrial Invertebrate surveys sufficient in informing the impact assessment. In the specific case for otters and invertebrates no significant changes to land management have been presented in the period since the surveys were carried out. We also note the provisions of Para 7 (1) of Schedule 2 Of Part 1 (Requirements) of the draft Development Consent Order, which provides further reassurance that any changes will be identified prior to works started and appropriate actions taken to ensure impacts do not materialise .

#### **BIO.1.28**

**Appendix 9.21 of the ES [APP-247] – Ancient Woodland Strategy and paragraph 9.10.3 of the ES [APP-048] propose compensation based on a 12:1 ratio in terms of planting to loss. On what basis was it decided to use a ratio of 12:1?**

The provision of a compensation ratio for the loss of Ancient woodland of 12:1 (planting to loss) was the result of detailed negotiation with Highways England in 2018. The figure was a negotiated metric based on site specific factors such as proximity to the existing semi-natural woodland /site of special scientific Interest and desired planting type.

**PLEASE NOTE** - The proposed ratio of 12:1 was agreed based on information which was submitted in August 2020 and accepted for Examination. Natural England reserves the right to amend our view , should the proposed changes to the scheme submitted in December 2020 be accepted for Examination.

#### **BIO.1.41**

**NE is asked to confirm whether or not it is satisfied with the scope and methodology used to gather baseline data in respect of traffic modelling and air quality for the HRA Report?**

NE is satisfied by scope and methodology used to gather baseline data in respect of traffic modelling and air quality for the HRA report.

#### **BIO.1.43**

**Is NE content with the Applicant's approach to the in-combination assessment?**

NE is satisfied with the Applicant's approach to the in-combination assessment.

#### **BIO.1.44**

**NE has stated its support for the HRA conclusions when they were presented as two separate schemes. There is no evidence of similar agreement regarding the conclusions for the scheme as a whole. Can the Applicant and / or NE provide evidence of NE's agreement with the conclusions of the HRA report concerning the project as submitted?**

Natural England have not raised any issues with the HRA whilst the scheme consisted of Part A and Part B. We conclude that the combined HRA raises no further issues and we can therefore agree with the conclusions of the HRA.

#### **BIO.1.47**

**The revised HRA Report [AS-005] screens all the sites for impacts from emissions to water from both Part A and Part B of the scheme. For all sites, the report concludes that no impacts are anticipated as a result of pollution events or polluted surface water runoff during construction and operation due to the intervening distance and natural dilution and settlement rates. However, the report also states that the design of Part A incorporates a network of detention basins, featuring filter strips and sediment fall bags, that shall further reduce the likelihood of polluted surface water runoff. It appears that the details regarding the mitigation measures were added to the report in response to advice from NE (Appendix C). Is NE satisfied with the conclusion that water pollution impacts can be screened out on the basis of the**

**intervening distance and natural dilution and settlement rates, without consideration of mitigation?**

Based on the submitted scheme NE has no concerns regarding this issue and agree that this can be screened out.

**PLEASE NOTE** – This view is based on the information submitted in August 2020 and accepted for Examination. Natural England reserves the right to amend this view should the proposed changes to the scheme submitted in December 2020 be accepted for Examination.